NEW YORK HERALD, PRIDAY, PERHUARY IT, 1865.

COUNT LOANNES VERSUS HORACE GREELEY

Theatrical Managers and Critics on the Stand.

Early Recollections of the Count in London.

INTERESTING SCENES IN COURT ac.,

Court of Common Pleas.

B fore Judga Daly.

10.—George, the Count Joannes, versus Horses ey. The trial of this interesting cause was resumed morning at eleven o'clock. The spectators, as on the theatrical critics and newspaper men generally. Among the actors present we noticed Meses. W. Davidge, C. W. Clark. William Finart, Edward Hingston, John Schon and Edwin Beoth. The continuation of Count Jeanness are a seamination was first in order, but before taking the s and the got off the following little speech:—

es and be got of the following little spoech:—

THE COUNT MAKES A SPRECH.

Dount Joannes—May it please the Court, when we commed yesterday I did not hear you give the jury of usual instructions in recard to conversing with any eapon the subject of this trial after they had separate. I think I have the right now to ask the jury if sy have conversed with any one upon the subject is I list had the pleasure of seeing them?

Judge Daly—I see no objection to your asking them e q estion.

lien.

Q. Did he not charge the jury in these words —
The Count—What paper are you reading from?
Mr. Will ams—From the Adve tier.
Count Jeannes—I told you I objected to your reading roan that paper before; it is an abolit on sheet, and I scept to its r port of the proceedings; I wish here to make a distinction between an abolition newspaper and a op bican one; I have voted the republican ticket myels, although I am a democrat, and I cannot stomach he abolitionists. (Laughter!) Judge Allen took upon timed the province of the jury, and I could have had um impeached for it if I thought prop r.

Q. Bo you think you were pres nt when the jury came not court with their verdict? A. I think it is likely I ras.

Q. I understood you to say that your benefit took place if the Academy of Music on the 30th of April last? A. fee, it was an Irish benefit, though; a benefit of empty benefice. (Laushter.)
Q. Look at this paper, and say whether that is your advertisement in the Sanday Lipath. A. Oh, yes, that is my satvertisement; that paper is edited by my triend Robert Holmes.

elf. Williams—Will the Court mark this newspaper and regard t as put in evidence.
Count Joannes—I wish you to understand that I have
not concluded my examination in chief yet.
Mr. Williams—Ot, certainly, Count. Will you please
read the advertisement to which I have aiready called Your attention?

Count Joannes—Oh, certainly, if it will accome

you.

Mr. Williams—The jury, you mean?

Count Journes—Well, any way you like.

The plaintiff then proceeded to read the adveras follows:—

EXTRA ANNOUNCEMENT
NEW YORK ACALEMY OF MUSIC.
A SHAKSPERE NIGHT.
THE GRAND
TESTIMONIAL BENEFIT

THE COUNT JOANNES.
PROM THE CITIZENS OF NEW YORK.
WIN take place on SATURDAY EVENING, April 30.
SHAKSPERE'S HAMLET,
THE COUNT JOANNES,
successfully impersounced and illustrated by him at the

heatte Royal Drüry Lane, Monte of the hard of the tribin. MORE THAN A HUNDRED TIMES.

Upon the above occasion the character of OPHELIA will be represented by
THE COUNTESS JOANNES,
THE COUNTESS JOANNES,

as performed at the recent "Testimonial"
Academy of Music to nearly 4,000 persons, with
DISTINGUISHED SUCCESS, riginal music, as traditionally rendered in Shakspere' teatre, will be sung by OPHELIA in the mania

annes is honored by terms in aid of the owing friendly volunteers in aid of the viz.

VIZ.

BROUGHAM ROBERTSON,

The distant the character of

THE QUEEN GERTRUDE ve impersonation of the HOST OF HAMLETS PATHER ed by the scholar and dramatist, ISAAC C. PRAV, Esq.,

THE GRAND CHAMBERLAIN POLONIUS represented by the Lessee of the new Nashvill

will be represented by the Lessee of the new Nashville thesiare.

JAMES R. ALLEN, Esq.

The character of HORATIO will be sustained by Mr. ROSCO.

The character of HORATIO will be sustained by Mr. ROSCO.

The county of the coun

It is in contemplation, and from the expressed desire of adjortal friends and others, also to present the celebrated

"Trai seen" from
"Trai seen" from
Trai seen" from
Trai seen" from
The character of Fortia by "Avonia," the daughter of the
Count Joannes, and the impersonation of Shylock by
EDWIN BOOTH, Esp.
And it is but a natural desire that this fillula act of the daugh-EDWIN BOOTH, Esq.
And it is but a natural desire that this fillal act
ter may be consummated; as also the extended
the talented son of the Count's constant friend
Purther particulars in future announcements

Q. Was that same advertisement inserted in the REBALL
April 25? A. I think it was; but it was given out for

the 34th.

Q. Look at this article in the Herano, October 12, and my whether you published any card in reference to it.

A. I refuse to answer; you are obliged to produce the aird in writing.

Judge Daly—For what puspesse do you wish to produce it?

Mr. Williams—To show mitigating circumstances.

Count Joanness—You cannot plead mitigating circumstances.

Mace it?

Mr. Williams—To show mitigating circumstances.

Count Joannes.—You cannot plead mitigating circumstances. You have not set them up in the pleadings.

Mr. Williams—It is not necessary to set up mitigating tircumstances in the pleadings.

Judge Daly thought they should have been set up in the pleadings.

the plendings.

Mr. Williams—Well, I don't care much about it. Our defence is justification, and we can afford to do without

THE COUNT AS A WRITER.

Q. Do you ever write for the newspapers? A. I do when it suits me; in the Hisrand you will find a four solumn account of my voyage in the Fulton; I call that editorial writing; it was done in a graphic and classical manner.

namer.

Q. Are you acquainted with the general editorial man gement of a newspaper? A. Yes, and now I will be you into a secret, as you have put me in mind of it.

Q. What is that? A. I am going to start a newspaper

Q. What is that? A. I am going to start a newspaper noyself. (Laughter.)
Q. On the occasion of your benefit did Mr. Fenno appear?
A. He did not; he was engaged in writing 'Cudjo's Cave." and could not come.
Q. Was Mr. Wheatley there? A. No.
Q. Was Mr. Wheatley there? A. No.
Mr. Williams.—The Count can now look at these papers before they are put in evidence (handing the witness some legal papers).
Count Joannes.—Please put down those papers, brother someslegal papers.
Wr. Williams.—I believe that is all, Count; and now, when you resume your examination in chief, speak a thickness that the start inght, and my mud is perfectly at a good night's rest that night, and my mud is perfectly at ease now.

EXAMINATION OF THE FLAINTIFF IN CRIEF RE-

count Joannes—Certainy. I need a good night's restmat night, and my mind is perfectly at ease now.

EXAMINATION OF THE PLAINTIFF IN CRIEF RESUMED—A POINT OF HONOR.

I had always been taught never to let an insult pass
annoticed, and as an instance when the Times referred
to me as George Jones ditas the Count Joannes, I wrote
them a note de manding an apology, and stated that an
stitor in England had been fined £500 for a like insult to
a haly maned Mrs. Smith: The editor of the Times very
kind y published as apology to the effect that their law
reporter meant an obsence. I offer the apology of Mr.
Raymond in evidence, also the report of Mr. Pisk's arsent by Jurige Councily for libering me.

Mr. Williams—Oh, we den't care about that now.

Count Joannes—I now wish to show what grounds
there were for the contemplated appearance of Miss
Avonia Jones and Edwin Booth for my benefit. I
nalled upon Avonia and found her in bed sick;

Expoke to ber sister about the matter, and told
her it would be acceptable to me if Avonia
and Elwin Booth would appear in the trial scene in the
Merchant of Ventrelon the occasion of my benefit. The
libel charges that there was no foundation for the anavancement, and I now wish to show the jury that there
ass.

Cross-examined.—Q. Did you get a poster printed at

be Heath office romounting the appearance of your laughter Avon's on the recession of this benefit at the leadenty of Ma are A 1 and not, I was very careful bout that nothing of the row.

Q. Lo you remember what the Judge said when you

another of my enemies; I com't taims to expected correct.

Q Bid you write this letter in the Hyrair, dated Colober 12, correcting a report which had been published in that paper about your sut against Mr. Greeley? A. I don't know, I write so often; I can't say; read the letter.

Mr. Williams coad the letter.

Count Joannes—Yes, that is my style exactly.

Mr. Williams—I bave no further questions.

Count Joannes—We rest here.

Fr. Williams—The case is now with me; do you understand that, Count? You have rested your case, I believe?

Count Joannes—Yes, yes; I will take a rest here.

(Laughter).

ber language.

Count Joannes—I did not put the letter in evidence. You did that.

Mr. Williams—I will now read the letter of Miss Avonia Jones, also that of Mr. Edwin Booth, denying that they ever authorized any one to state that they contemplated appearing at the Academy on the night of the 30th of April. (The letters read to the court.) I will now read the letter of the plaintiff in regard to this correction which appeared in the Tribuse, with reference to which appeared in the Tribuse, with reference to which this suit is brought. (The letter read.) The writer sees fit to characterize the correction as malicious, false and mendacious, as if there existed no foundation for it, and seeks to make the public believe that Miss Jones and Mr. Booth really will appear. Was this not a cunning frand upon the public? He wanted the Tribuse to take back the correction of the day previous, and leave the infirence that these artists really mant to appear, when the evidence shows they were entirely ignorant of the whole programme. Had the Tribuse compiled with his request the editor of that paper would have been unworthy of the confidence or respect of the public. Just look at the Count's letter, and mark the character of the type in which it is printed. Count Joannes—I did not set it up. I am not to be held responsible for what the printers did.

Mr. Williams—Ko, but you underscored it so that certain parts of it should be set in italies.

Count Joannes—Oh, did I. Produce my manuscript. Mr. Williams—I have only a few more words to say, and then I have done. We hold that this advertisement of the plantiff's was an imposition upon the public, and that we were justified in pronouncing it as such. The proofs offered by the Count himself show a most perfect justification, and it was our duty to make the correction we did, or else we would have been most reckless of our trust. I there ore move for a non suit.

Judge Dalvy Denies The Motion.

trust. I there ore move for a non suit.

JUDGE DALY DENIES THE MOTION.

Judge Daly—I that the case is one which ought to be passed upon by the jury.

Count Joannes—There, do you heart that now? Mr. Williams—I don't think it is necessary for me to take up the time of the court and jury with a formal opening, so I will at once proceed to introduce my testimony.

Count Joannes—One moment, sir. I wish to know what is the practice in New York in regard to this matter? Can he, after neglecting to open his case, blend it, as it were, in the summing up.

Judge Daly—He is entitled to sum up his case in whatever manner he pleases.

Count Joannes—Then, by a sort of miscegenation, he will blend his opening with the summing up, I suppose. (Laughter).

Judge Daly—I do not know what his nowers may be in

will blend his opening with the (Laughter).

Judge Daly—I do not know what his powers may be in that respect. (Laughter).

Count Joannes—Weil, I only asked for the ruling of the Court. I am satisfied. And now he may make twenty speeches if he likes, and Horace Greelay may follow him into the bargain. (Loud laughter.)

THE DEPOSITION OF MISS AVONTA JONES.

Mr. Wilhams—I will now offer in evidence the deposition of Miss Avonia Jones, taken by a commission appointed by the Court.

Count Joannes—The commission is given to Herbert P. Curtis, and he signs his name as H. Pelham Curtis, object to the deposition being read on account of this discrepance.

dect to the discrepancy is not material.

Judge Daly—The discrepancy is not material.

Count Joannes—There is snother objection. The witches is sworn as Avonia Stanhope Jones, while she signs or name as Avonia Jones. I make these objections cause I wish to spare my daughter the stigma that will ollow the reading of this attack upon her father. Beddes, there is no certificate here that this is her hand-veiling.

writing.

Mr. Williams then read the deposition of Avonia Jones taken at Washington, in which she states that she was slightly acquainted with the plaintiff, having net him three or four times during the previous fifteen months: that she never contemplated appearing at the Academy for the benefit of the plaintiff, and that the announcement to the energy that she was also referred to the correction in the Tribune, complained of as being libelous, and stated that it was strictly true, and inserted at her instigation.

complained of as being libelous, and stated that it was strictly true, and inserted at her instigation.

Edwin Booth deposed that he was a tragedian by profession; between the 20th and 30th of April last I was in the city of New York; I never consented to act the part of Shylock, in the Merchant of Venice, to be given at the Academy of Music for the benefit of the plaintiff; the announcement to the effect that I was to appear was unauthor.zed; I was not applied to in reference to the matter; do not remember the balance of the conversation with the plaintiff with reference to the announcement in the Tribune.

Q. What would be the effect of such an announcement as that published in the Disputch? A. It would have the effect of leading the public to believe that these persons were to appear.

Q. What would be the effect upon these artists? A. It would be somewhat injurious, I should think.

Q. The Count took the liberty yesterday of mentioning your name in connection with your runored marriage with his daughter, Miss Avonia Jones?

Count Joannes—Took the liberty, did you say? I took no liberty; it is no liberty to say that there was a runor to the effect that he was engaged to my daughter. Allberty to be engaged to such a woman! Oh, no! It was taking no liberty; and I say it here to Mr. Booth's face.

Mr. Williams—He coupled your name in connection with that of Miss Jones, and intimated that there was a marriage engagement between you. How is that? A. There was no foundation whatever for the rumor; I never heard such a rumor.

Count Joannes—I hoard it from twenty people; but I suppose Mr. Booth would be one of the last to hear it. Cross-examined—Did you authorize the publication of this correction which characterized my benefit at the Academy of Music as an imposition? A. I did not.

Q. Did not Miss Avonia Jones go to you and tell you not to appear for my benefit; did she not say, "Neddon't do it?"

Mr. Williams—I object to the question.

Judge Daly—I suppose it is part of the var jests.

Count Joannes—I was just a

Witness—I saw Miss Jones at the theatre, and, in speaking of the affair, she said, "Ned, I beg of you not to have anything to do with it on any account."

Count Joannes—I have nothing more to ask you.

to have anything to do with it on any account.

Count Joannes—I have nothing more to ask you.

MANAGER STUART'S TESTIMONY.

Williams Stuart was next placed upon the stand.

Mr. Williams—Q. On the night of the plaintiff's benefit at the Academy of Music was Miss Jones engaged with you at the Winter Gardenf. A. She was.

Q. In consequence of the announcement that Miss Jones was to appear at the Academy what did she say to you' A. She wanted to send a long letter to the Triume about it; but I prevailed upon her not to do se, she then wrote a short correction, which I sent down to the Tribune office.

Count Joannes—You sent M down, then?

Witness—I did.

Count Joannes—I thank you for the information.

Mr. Williams—What is your opinion in regard to that senouncement published in the Sanday newspapers?

A. It may not be an absolute announcement, but it would draw a large house. To the ordinary eye the presumption was that Miss Jones and Edwin Booth were to appear. I never recoilect seeing an announcement of that kind before.

Q. What effect would it have on your theatre, Miss

I never recoilect seeing an announcement of that kine before.

Q. What effect would it have on your theatre, Miss Jones being announced to play at both places? A. It would have a very scrious effect.

Q. And in self-defence you would be obliged to have a correction published? A. Yes.

Cross-examised.—Count Joannes—I announced the positive appearance of eight or ten indies and gentlemen, and then said it was in contemplation for my daughter and Mr. Hooth to appear; was that an absolute announcement of the intention of these artists to be present?

Not an absolute announcement.

ment of the intention of these artists to be present? A Not an absolute announcement.

Q. Then ful you consider the libelious paragraph proper under such circumstances? A. I do.

Q. Do you as a man or a manager? A. I gave you my opinion as a witness, and have answered the question as fairly as possible.

Q. Was my daughter organized at your theatre on the night of my benedit? A. I am not certain.

Re-direct.—Look at this paper and say whether she did not appear on the night in question.

Count Joannes—What paper do you read from?

Witness—The Tribuse, I think.

Count Joannes—Oh, I object to anything in the Pribuse.

Witness—Oh, no, it is the Herald.
Count Joannes—All right; I have no objection

HERALD.
Witness—I see by this paper that Miss Jones was an-

Mr. Williams—Have you over served in the capacity of critic or editor on any New York newspaper? A. I have, on the Towes and Tribus both.

Q. What is the custom in regard to the editor revising theatrical notices? A. He rarely if ever sees them.

Cross-examined.—Were you the critic on the Tribuse when those terrible criticisms were published against Edwin Forrest? A. I was; I wrote them.

Q. Oh, you wrote them? A. Yes; but I did not know air. Forrest was a friend of yours at the time.

Count Jonance—Yes, sir; he is one of the best friends I have on earth.

I have on earth.

A RIGH SCENE.

Mr. Stephen R. Fisk was then called to the stand.
Count Joannes—Ahal Mr. Fisk, ch? I believe this
the first time we ever met face to face. Now we t

spoke about the scenery of the piace being ill adapted for the play.

Q. Did any one play that night who would have been likely to draw a good house? A. No one except Mrs. Roberts, and she was not well known.

Q. How was it with the other artists? A. None of them were known here.

Q. Does it not require well known actors to draw, in addition to the character of the play? A. Not always; Hamlet will be pretty certain to draw on any occasion.

Q. Are you acquainted with the general usage in newspaper offices relative to the publication of such a correction as this? A. The senior editor seldom knows anything about such paragraphs; they generally come under the observation of the managing editor.

Cross-examined.—Are you connected with the Leader? A. I am.

Cross-examined.—Are you connected with the Leader

A. I am.

Q. Were you connected with it in May last?

Judge Daly.—What is the object of the question?

Count Joannes.—May it please the Court, this is the first time I have met Mr. Fisk face to face, and I wan to show that he was the person who wrote the libel ous article for which I had the late John Claney in dicted.

Judge Daly—I think the question is irrelevant here. You can ask the question when the Ladder libel suit comes up for trial.

Count Joannes—Well, I will let him go now. But we will meet again, Mr. Fisk, in another court of justice.

The Court then took a recess for fifteen minutes, during which time the Count was employed in satisfying the inner man over a sandwich, which he had carefully provided himself with before leaving home in the morning. He appeared to be in the best humor possible, and even went so far as to offer half of his luncheon to his adversary, Mr. Williams. The latter politely declined to share the Count's hospitality, saying he preferred taking some oysters at one of the neighboring hotels.

oysters at one of the neighboring hotels.

AFTER RECESS—JOHN SEFTON'S EVIDENOE.

John Schon, being duly sworn, deposed that he was a comedian by profession; had been connected with the dramatic profession for the last forty years.

Q. Look at that announcement and say what would be its influence on the public. A. An immediate runh for scate; I never, in my life, saw such a composition.

Q. Do you mean that persons would be apt to pay for seats in advance? A. I do.

Q. What would be the effect upon the other theatres if the artist was announced to play at both places on the same night? A. It would have a very injurious effect.

Q. Do you know the Count Joannes? A. I know him when he was at the Bowery theatre some twenty-six years ago.

Q. What was his character for acting? A. He used to play salior parts.—Tom Tivles character, you mean. Witness—Yes.

Count Joannes—It ran for one bundred and fifty nights. Mr. Sefton—Oh, no.

Q. What do you think of that denial in the Tribuse? A. It rather strong; but I think a denial was necessary; the inference was that they were to act, and I think the contradiction was necessary.

Cross examined—I can't say when I first saw the advertisement in the Dispatch; saw no posters announcing hiss Jones' appearance on the evening in question.

Q. Is it not customary for managers to announce the probable appearance of artists with whom they are negotiating? A. It never has been my custom, but it has been done.

Q. Would you, upen reading that advertisement, have

gotisting? A. It never has been my custom, but it has been done.

Q. Would you, upen reading that advertisement, have gone down, as Mr. Stuart did, with the correction referred to, and have it published? A. I should not have written those words; but I would have contradicted it in equally as forcible terms.

Q. How long were you in New York when I was at the Bowery theater? A. About thirteen years.

Q. My opponent has put a quation to you touching my charactor as an actor and a gentleman; did you ever hear anything against my honor as a gentleman when I was at the Bowery theatre? A. I did not.

Count Joannes—That is all, sir.

LECTIONS.

Edward Hingston deposes that he was a theatrical manager, and was acquainted with theatrical announcements and advertisements.

Q. What do you think of the advertisement which appeared in the Sunday newspapers relative to the plaintiff's benefit at the Academy? A I should call it a very "gagging" announcement.

Q. What do you mean by a "gagging" announcement.

A. I mean that the Academy of the state of the

Q. What do you mean by a "gagging" announcement?

A. I mean that the announcement announces something to take place which is not intended—one that would be apt to mislead the public—a humbug, in fact.

Q. In your capacity as manager, say what the effect of that advertisement would be upon the public? A. Why, they would attend with the belief that these artists would appear.

Q. What would your duty as a manager be under the circumstances—would you have caused a similar correction to the one published in the Tribuse? A. I certainly should.

circumstances—would you have caused a similar correction to the one published in the Tribune? A I certainly should.

Q. Did you know the Count Joennes in Europe? A. I did, by reputation only; I recollect his first coming to London; he was then known as George Jones, author of Tecumseh.

Count Joennes—What year was that?

Witness—You can easily ascertain by looking over the files of Punch; I remember Punch made a good deal of fun ever the gentleman. (Laughter.)

THE ORIGIN OF JOENNES' TITLE.

Q. Do you remember the occurrence which took place in the presence of Count Sartario, Mr. Buckingham and others? A. I have a vague recollection of the plaintiff's appearance for the benefit of the Shakspere Fund, in one of Shakspere's plays; he was then heraiced as the Chevalier George Jones.

Q. Did you ever meet this Cours Sartario? A. I believe I did; he was in the habit of frequenting a favorite resort of mine in London, near the Haymariset.

Q. Who was he? A. He was a count by name; one of those seedy adventurers whom you frequently meet in the streets of London.

Q. Did you ever hear of Count Joannes in Paris? A. I did; he was reading Shakespere under the name of Count Jones.

Q. Did you ever hear of him in any other country in Europe except England and France? A. I did not.

Mr. Williamb—You may ask the witness any questions you like, Count.

Count Joannes—No, sir; after giving such evidence as

you like, Count.

Count Joannes—No, sir; after giving such evidence a
that I have not one word to ask him.

that I have not one word to ask him.

THE TRIBUNE CRITIC EXAMINED.

Edward H. House deposed that he was the theatrical critic of the Tribune; the correction complained of by the plaintiff was inserted without the knowledge of Mr. Greeley; the advertisement shown me in the Dispatch I considered an attempt at fraud; my first impression upon reading the advertisement was that Mrss Jones and Mr. Booth would appear; I learned to the contrary en coming down town, though.

Q. What do you think of the advertisement? A. I think it is an attempt to combine popular artists with one who is quite the reverse, and is quite a disagreeable person besides.

Q. By the disagreeable person you mean——? A. The Count.

Q. By the disagreeable person you mean—— A. The Count.
Q. Do you know Judge Russell, of Boston? A. I do.
Q. What are his politics? He is an abolitionist; one of the leading men of the city.
Count Joannes—He was a republican.
Judge Daly—Will the Count explain the difference between a republican and an abolitionist?
Count Joannes—Certainly; it will afford me great pleasure. An abolitionist is a man who would delage the country with blood for an idea, irrespective of all law. A republican wishes to emandipate the blacks, but under the constitution. That is the difference between them.
Examination resumed.—Q. Were you present at the Nickerson trial in Boston? A. I was.
Q. What was the plaintiff's conduct on that occasion?
A. He was very much excited and shock his hand in hir. Underwood's face.
Count Joannes—What is that?
Witness—You shook your hand in Mr. Underwood's face, I say.

toe, I say.

Cross examined.—Q. Had you anything to do with the ublication of this article?

Mr. Williams—The witness may as well know that he not compelled to answer that question.

Count Jonnes—Doce the witness object to answer it?

Witness—At the suggestion of Mr. Williams I decline

Witness—At the suggestion of Mr. Williams I decline to answer.

Count Joannes—Upon the ground that you sught seiminate yourself, ch?

Mr. Williams—He is not obliged to give his residen.

Witness—I have been connected with the Tribuse for about two years; I am aware that this action is brought against the Tribuse.

Count Joannes—That is all. The witness is evidently projudiced against me, although he thinks he is not. It is quite natural, and the jury should know it. That is all.

A. S. COHEN'S EVIDENCE.

A. S. Cohen testified that he was one of the separiorial staff of the Espain, had been in the nawshaper business for the last nine years; I remember the occasion of the Count's benefit; I had the idea that Mr. Booth and Miss count's benefit; I had the idea that Mr. Booth and Miss count's benefit; I had the idea that Mr. Booth and Miss count's benefit; I had the idea that Mr. Booth and Miss count's benefit; I had the idea that Mr. Booth and Miss count's benefit; I had the idea that Mr. Booth and Miss country benefit; I had the idea that Mr. Booth and Miss country benefit in the manufacture of the manufacture

Mr. Williams—I now over in evidence the feet conviction in the barratry suit to show that the p was convicted of the crime of barratry. Count Jeannes—The misdemeanor you mean

WILLIAM STUART RECALLED.

WILLIAM STUART RECALLED.

William Stuart deposed that he went to see Edwin Booth, in company with Miss Jones, in reference to the advertisement of the plaintiff. Witness told him that Miss Jones had sent down a correction to the Tribusa shout it, and he said that was all right.

Cont. Joannes—Did you tell him the language you employed in making the correction? A. No, I did not.

cons Johnnes-Did you tell into the angaley you employed in making the correction? A. No, I did not.

IN REFERENCE TO THE COUNT'S TITLE.

Mr. Williams—One of my most important witnessee is absent, and I don't like to sak for an attachment against him. I could have him here to merrow if the Court would adjourn the case now.

Count Johnnes-What is his name. May be I will admit what you want to prove by him.

Mr. Williams—I don't think you will. His name is Professor Lieber. He can prove that your vitle to knighthough it mautherized and wholly men sawmed.

Count Johnnes-Whi that is your witness. No, I will not admit anything toughing my title. It is mine, and you cannot rob me of it even by his testimony. You have a knowledged my title in your plandings, and you cannot dany it now. There is no no sently for Professor Leiber appearing as a stimess in this case. He may appear with some profiriety in the case against Fisk.

Judge Daly—The title is not necessarily an issue in this case, but you have made it so yourself, and I don't see how you can exclude the testimony on that point.

Mr. Williams—I have one or two witnesses in addition

MEXICO.

What Ex-Senator Gwin Has Been About in the Empire.

Maximilian Gives Him the Cold Shoulder.

Failure of the Sonora Immigration Project.

Collapse of Secession Schemes in Mexico.

Gwin's Sudden Departure for Paris.

ORDER IN REFERENCE TO FOREIGN CONSULS.

The War in the Mexican States of the South,

with his usual courtesy, furnished us with files of papers to the day of sailing. He also informs us that the United States gunboats Proteus, Commander Shufeldt, and Iuka, Commander Rodgers, were lying in port

awaiting repairs.

The blockade runner steamer Denbigh arrived from Galveston on the 6th. The steamships Liberty, Wi son, from New York, and Jose San Roman arrived on th norning of the 10th. The former would leave for New York on the 15th, and the latter for Matamores on the 13th. The blockade runner Colonel Lamb arrived on the 10th in distress.

The Eagle made the run out to Havana in four and a

half days.

HAVANA, Feb. 11, 1868 HAVANA, Veb. 11, 1865.

A Republican Victory—A Company of Turcos Destroyed—
Putoni in Culiacan, Copiial of Sinaloa—An Imperial
Victory—Defeat of Valdès—Vicario Regs Purdon of Maximilian—Destruction of Linares—Horrible Scenes—The
Vera Crus and Mexico City Railroad—Steamship Lines— Immigration, de

Vera Cruz, a few days after the Barcelona, puts us in possession of a little additional news. A part of this news, I believe, has already found its way to the New York papers; for I find it stated in those just received by York papers; for I find it stated in those just received by the Liberty that the Juarists, or republicans, had gained a brilliant victory over the imperialists in Southern Mexi-co, and had captured an important city—name not men-tioned, ringularly enough. This brilliant victory can be no other than the annihilation, near Culiacan, in Sinaloa of a force of French and Mexicans, numbering abou of a force of French and Mexicans, numbering about three hundred, under the commander of the war steamer Jupiter. These troops, sixty-five of whom were Algerian riflemen, commonly called Turcos, forty marines, and two hundred Mazatlan militia, marines, and two hundred Mazatlan militia, had been sent from this latter place to occupy Culiacan, before Gen. Patoni could get there, it being known or where they had orders to disembark the troops were a once sent forward to reinforce ex-Governor Vega, and meantime been defeated, captured and immediately exe-cuted by Patont. Ignorant of that event, the imperial ists pushed on as far as the village of San Pedro, about twenty miles from Culiacan, where they unexpectedly found themselves in front of part of Patoni's army, under Rosales. A fight immediately commenced, during which the Mazatlan battalion went over to the enemy, and the affair ended by the complete destruction of the small body of French, of whom five officers and thirty men were killed, eight officers and twenty men wounded Jupiter, captured and taken to Culiacan, where, accord ing to some, they were all shot, while others say they probable, notwithstanding the late bloodthirsty manifesto

or copy of instructions, drawn up in Michoncan. Patoni, therefore, holds Cuhacan, the capital of the State, with a population of twelve to fifteen thousand, which must be the important town alluded to. But tagny's division, under Colonel Garnier, has crossed the Sierra, and is now marching to wrest his prize from

abandoned the imperial cause, was defeated on the 17th ult. at Texcatitian, which he had attempted to carry by

abandoned the imperial cause, was defeated on the 17th uit. at Texcatitian, which he had attempted to carry by storm, and fied to Hustame, attended by enty five or six horsenes—all that remained to him of the six hundred men with whom he had left Teluca. His troops behaved in the most cowardly manner, namibers going over to the energy, while most of them three away their arms and scattered in every direction.

The notorious Vicario, whom sees body appears to distruct, is etill more unfortunate. His offers of service have been rejected by old Alvares and others, and, finding himself in such desperate straits, has written to Maximilian begging forgiveness.

The town of Linares, in Nuevo Leon, had a terrible time of it during the Sth and 9th of last menth. A guerilla leader, named Hendet, well known in that section, together with the equally, if not better, known J. M. Carbajal, attacked the place, with their united force, numbering somewhat less than five hundred men. The only garrison in the place was about two hundred men of the native militia, who shut thenselves up in one corner, which they hastily fertified, leaving the reat of the town exposed to the enemy. The unprotected part was set on five and destroyed; the defeaceless people found there butchered without regard to age or sex, and, after collecting all the plander they comid, the republicans left, carrying of kendez, who was badly we unded in the leg. About a sixth of the town excepted destruction; so that we say way Linares is now nothing

Our Mexican Correspondence.

Pfy Thousand Secretionists—Dr. Gwin Neither Governor of Sonora Nor a "Duke"—His Sudden Deparin Mexico—The Vera Crus and Mexico Railroad Afair— The Government Refuses to Accede to the Demands of the English Capitalists—The Project Hanging Fire— Order from the Mexican Department of State Relative

from California, and whose prominence as a nist is well known, arrived here from Paris, and, at the Iturbide Hotel. A man of d stinguished abilities, he was for a long time considered as a confidential adviser of the Emperor Napoleon on American and Mexican with his government, or has ever been the right hand man of the Emperor, are entirely without foundation. The fact is notorious here that he has been from the coment quite out of favor at Court, and from a period dating very shortly after his arrival, he has had no munication whatever with the government. The chiect of Dr. Gwin's visit to Mexico was to effect an arrangement with Maximilian for the colonization of Senora with immigrants from the Southern States, their number not to be less than fifty thousand. This project had additional weight from the fact that the Emperor Napoleon had given it his sanction; in fact, it was virtually a plan of the French government for the acquisition—temporarily or in perpetuity, it is not known which—of the most valuable mineral lands of Mexico, by which, through ex-

Senora, such as the mining director or superintendent of mining enterprises, in the French interest. On his arrival here, Dr. Gwin (in connection with the Marquis de Montholon, French Minister at this Court), tted these proposals to the government through the proper department; but up this writing he cles from the very outset. His main argument was that, in case the United States governm ceeded in suppressing the rebellion, the ting of Sonora with Southerners would es Emperor hesitated, as well he might, to entrust the most valuable portion of his territory to such precarious keeping, rightly judging that the first encroachments would be more likely to proceed from these very immi-grants. He had, however, partly agreed to the proposition, being exceedingly anxious to open up those rich sections on almost any terms, when the demands of Dr. Gwin were increased to soliciting large slices of Chihua-hua and Sinaloa in addition to Sonora. This was positively refused, and the documents were all submitted by tively refused, and the documents were all submitted by Montholon to Paris for further consideration. But, at this juncture, Louis Napoleon, who begins to feel the unpopularity of the Mexican muddle in France, changed his views, and has recently renounced the whole Sonora affair, leaving matters just where they stood originally. Despatches to that effect have been received by Montholon, and the facts are fully understood at the palace. This statement, which I have from the highest authority,

may be relied on as correct in all particulars.

Meantime the news of the recent victories of Sherman and Thomas have only confirmed Maximilian in his unand Thomas have only confirmed Maximilian in his un-willingness to enter into any contract which may tend to lessen his chances of recognition by the United States, with whom it must be ever borne in mind he is most anxious to establish friendly relations. Another reason which Maximilian has for declining these very disinterested offers is his desire that all colonizing of the kine ested offers is his desire that all colonizing of the kind proposed, should be by his own people, the Austrians and those of his father-in-law, the Belgians, these last, being notoriously the most successful colonists sent out from any part of Europe, and whose industry, sobriety and habits of subordination render them especially valu-able as subjects. Large numbers are now on the way, both as civilians and soldiers, and in anticipation of their arrival the Emperor has already despatched some small detachments of Belgians to Sonora. Besides, he is secretly tired of French interference in his affairs. Although willing to avail himself of French military aid, which France is in honor bound to furnish, he is determined to be Emperor, and to dictate his own policy in his own dominions. At the commencement of the Mexican business, General Bazaine and the Marquis de Montholon were virtually the government, and directed the general policy until the arrival of Maximilian, when the Emperor immediately asserted his prerogative. Hence has arisen some little stateliness of feeling between the Emperor and the late French magnates, which may in part account for the application by Montholon for his

But to return to Dr. Gwin. He and a number of his friends have been waiting here, until he is hearthy weary of Mexico, while the realization of his Sonora project seems to be as far off as ever. Rumors in Paris have had him "governor" and "duke" of Sonora, and rumors here have had him on his way thither, half a dozen times, with a French escort. But all doubts as to his movements were removed when, a few days ago, he suddenly left the city in the diligence for Vera Cruz, as rose for Paris by the English steamer which will sail for Havana on the let of February. His departure surprised all but his most intimate friends. The secondonists are giving out, by mystorious hinte and shrugs, that the Emperer Napeleon is in some way connected with his return to France, and that he will very soon be back, armed with decuments and powers which will place him armed with decements and powers which will place him all right on the Sonora question. The Paris correspond ent of La Sociedad, a prominent newspaper of Mexico, states that an arrangement has lately been effected be-tween the Emperors of Mexico and France by which the latter is to supply a numerous colonial force to work the gold and silver mises of Sonora, the proceeds to be equally divided between the two governments. How-ever that may be, "the Duke of Sonora" is off for Eu-rope, and whether he will ever return again is exceeding-

spitefulness and rencor against the North that has characterised oth r prominent secessionists. He conversed

but a heap of smoothering roins. Maximilian has sent six thousand doin, would of his private purse to relation to its finances—a subject in which few Americans were consequently that those were no Fruch or other imperial trosps in the fowd, and that the sufferers were consequently all native Mexicans, m. a, women and addition. In closely, It was another of those savage acts which is livited the present intervention—an.

Sad oddition. In closely, It was another of those savage acts which have axed, years ago, to the Mexican name a stain which is the present intervention—an.

The combined of the suffered sof Juarez boasted that the people were republican to the back bone, and that Vidaurri was addy disappointed, and did run away; but it all a salied nothing. In one night a town of seven or eight thousand people is destroyed, and the corpses of helpless women and children and old men lie blackened among its smouldering ruins. What a boast, what a trimph, what a trophy for Mexican leaders and the company in the contract for the completion of the railroad from Yera Crez to the capital has been given to an English company, under certain conditions contained in a decree of Maximilian, cirred daminy 2d, and a body of articles agreed upon by the Minister of Public Works and the representative of the company. The most important part to us ontsiders is that the road is to be opened to the public in January, 1870, five long years from now. The our content of the state of steamship lines to Gulf ports has also been conditiode. There is to be one from Vera Gray and the state of such as the bear and the such as th

in ecentre of Southern Josephy in Mexico. The appears and of Dr. (With Swith of a disappointed usin, and there is some reason to believe that, if he had the part to act over again, he would be found on the side artist Union and one of its ablest leaders in California. Some of his friends have said he world have remained loyal but for his having Been selzed and imprisoned without his reads as at the estands committed forever.

The Yora Cruz and Mexico Railroad business is worthy of special mention. As the principal, if not the sands committed forever.

The Yora Cruz and Mexico Railroad business is worthy of special mention. As the principal, if not the only means of access to the capital from the Atlantia seaboard, this route has long occupied the attention of foreigners, over a considerable stocytometric control of the control of the

with them.

Just at this point, the question comes up whether some of your Wall street capitalists might not step in and so the bird while their friends from over the stater has been beating the bush? There is no doubt but that the millian would rather have this great enterprise achieve by Americans than by English, if the truth were knew it would be found that the Emperor, much as he wished to see the road completed, is not desirous of linking himself toe intimately with English, who are forever making demands and trumping up "damages" and other me of annoying governm ms—especially those of Spandamerica. In fact, only a few days since, Lloyd, as the agent of Mesra. Smith, Knight & Co., "the companion London who have purchased the Excandon controphished a card in one of the French papers here, hing at the enormous reclamations which his principal would hold against the Mexican government, emperically at a time when the Emperor is straining every nerve to advance the interests of Mexico, and is giving his entire time to the patient consideration of plans for the investment of for ign capital.

The Vera Cruz and Mexican Railroad with be, wher completed, exceedingly prolitable. It will command virtually the trade of the empre. All the cargoes passing from Vera Cruz into the interior to supply several will ions of consumers—all the troops, passengers and the incalculable amon at of goods would in military and carlling—everything, in short, to meet the demands of a grean nation, into which an ever meresaling tide of unnigated is pouring, must pass over this grand highway, destined representation, which are ever the grand highway, destined and the proposal control of the capital iss with an hageling with a generous government for terms which any part of the capital iss with a health of the capital iss with an health of the capital iss with an health of the capital iss with an health of the capital issues, who re the frames is a very heavy one, and must cost a large sum. The cuttings in many places will be expensive,

The Danish ram to which you allude in your p was ordered by Denmark in Bordeaux. When fin was ordered by Denmark in Bordeau. When an above was cent to Copenhagen, where, on imposition is proper officers, the was condemned and cent bar. France. She mover was owned by Denmark and never under the Danish dag. If the builder sold in the robels afterwards, Denmark could not prevent to IRON-CL.

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